

1
2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 **IN RE BARD IVC FILTERS**
6 **PRODUCTS LIABILITY LITIGATION**

7 No.

8 **AMENDED MASTER SHORT FORM**
9 **COMPLAINT FOR DAMAGES FOR**
10 **INDIVIDUAL CLAIMS**

11 Plaintiff(s) named below, for their Complaint against Defendants named below,
12 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

13 Plaintiff(s) further show the Court as follows:

14 1. Plaintiff/Deceased Party:

15 Reita Gaston

16 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
17 consortium claim:

18 N/A

19 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
20 conservator):

21 N/A

22 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
the time of implant: Georgia

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Georgia

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Georgia

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Northern District of Georgia

Defendants (check Defendants against whom Complaint is made):

C.R. Bard Inc.

Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

Diversity of Citizenship

Other:

a. Other allegations of jurisdiction and venue not expressed in Master
Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

Recovery® Vena Cava Filter

G2® Vena Cava Filter

- 1 G2® Express(G2®X) Vena Cava Filter
- 2 Eclipse® Vena Cava Filter
- 3 Meridian® Vena Cava Filter
- 4 Denali® Vena Cava Filter
- 5 Other: Simon Nitinol

6 11. Date of Implantation as to each product:

7 January 12, 2004

8

9 12. Counts in the Master Complaint brought by Plaintiff(s):

- 10 Count I: Strict Products Liability – Manufacturing Defect
- 11 Count II: Strict Products Liability – Information Defect (Failure to
12 Warn)
- 13 Count III: Strict Products Liability – Design Defect
- 14 Count IV: Negligence - Design
- 15 Count V: Negligence - Manufacture
- 16 Count VI: Negligence – Failure to Recall/Retrofit
- 17 Count VII: Negligence – Failure to Warn
- 18 Count VIII: Negligent Misrepresentation
- 19 Count IX: Negligence *Per Se*
- 20 Count X: Breach of Express Warranty
- 21 Count XI: Breach of Implied Warranty
- 22 Count XII: Fraudulent Misrepresentation

- Count XIII: Fraudulent Concealment
- Count XIV: Violations of Applicable Georgia Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

- Count XV: Loss of Consortium
- Count XVI: Wrongful Death
- Count XVII: Survival
- Punitive Damages
- Other(s): _____ (please state the facts supporting this Count in the space immediately below)

Page 10 of 10

13. Jury Trial demanded for all issues so triable?

Yes

No

1 RESPECTFULLY SUBMITTED this 2nd day of November 2017.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

6
7
8
9
10
11
12 I hereby certify that on this 2nd day of November 2017, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey
16

17 5131774